

**REMARKS**

In the Non-Final Office Action mailed on July 28, 2004, the Examiner:

objected to the drawings for failing to show "network address translation tables 932";

objected to claims 33 and 34 because of informalities;

rejected claims 1, 2, 6-9 11-14, 16, 23-25, 27-30 and 32-34 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,141,339 to Kaplan et al. ("Kaplan");

rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Kaplan in view of U.S. Patent No. 6,480,506 to Gubbi ("Gubbi") and U.S. Patent No. 6,584,567 to Bellwood et al. ("Bellwood");

rejected claims 4, 10 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Kaplan in view of Gubbi;

rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Kaplan in view of Gubbi and U.S. Patent No. 5,903,882 to Asay et al. ("Asay"); and

rejected claims 17-22, 26 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Kaplan in view of U.S. Patent No. 6,707,796 to Li ("Li").

In this response, Applicants amend Figure 9 and claims 17, 33 and 34. Claims 1-34 are pending. Further examination and review in view of the amendments and remarks below are respectfully requested.

Applicants' techniques are directed to subscribing, authenticating and provisioning network-based applications and services. Some of the techniques are directed to the creation of application service contracts, which are electronic service contracts or agreements between a subscriber and a provider, for subscriptions to

application services provided by the provider. The application service contracts are then used to automatically provision delivery transports to facilitate the delivery of the application services provided by the provider to the subscribers in accordance with the terms of the application service contracts. The application services provided by the providers are then delivered to the subscribers through the provisioned delivery transports.

### **I. Drawings**

The Examiner objected to the Drawings under 35 C.F.R § 183(a) for failing to show "network address translation tables 932" as described in page 24, lines 20-21 of the specification. Applicants herein amend Figure 9 to include "network address translation tables 932." Applicants herein further amend Figure 9 to correct a typographical error. The amendments add no new matter, as they merely conform the drawing to the specification as filed.

### **II. Claim Objections**

The Examiner objected to claims 33 and 34 because of informalities and, in particular, for containing the phrase "and second." Applicants herein amend claims 33 and 34 to remove the phrase "and second" to address the informality as suggested by the Examiner.

### **III. Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103**

All of the claims stand rejected over Kaplan, either alone or in combination with one or more of Gubbi, Bellwood, Asay and Li. Applicants respectfully traverse the Examiner's rejections.

All of Applicants' claims include the common features of (1) an application service contract that specifies a subscription to one or more application services, and (2) application delivery transports that are automatically provisioned to facilitate delivery of the subscribed one or more application services. In rejecting the claims, the Examiner appears to indicate that Kaplan's service node (described at col. 3, lines 9-27

and col. 6, lines 34-61, and shown in Figs. 1 and 4) corresponds to Applicants' provision of an application service contract that specifies a subscription to one or more application services. The Examiner further seems to indicate that Kaplan's session manager (described at col. 6, lines 50-65, and shown in Figs. 1 and 4) corresponds to Applicants' provision of application delivery transports that are automatically provisioned to facilitate delivery of the subscribed one or more application services.

Applicants respectfully disagree. Kaplan does not disclose, suggest or teach application service contracts that specify subscriptions to application services, nor does it disclose, suggest or teach using automatically provisioned application delivery transports to facilitate delivery of the subscribed application services. Instead, Kaplan merely describes a telecommunications system that combines ATM technology with class 5 switch simulation to provide enhanced bandwidth, class 5 features, and other features over the local loop – i.e., conventional telephone wires – to users. In particular, Asymmetrical Digital Subscriber Line (ADSL) technology, which supports the coexistence of conventional voice traffic (POTS) and high bandwidth data traffic on the local loop, is used to transport ATM over the local loop (col. 2, line 65-col. 3, line 4).

According to Kaplan, the service nodes provide an interface between the end users and many communication services and features, and the end users communicate with the service nodes to specify end-user communication service requirements. The service nodes then instruct the communications networks to deliver the required services to the end users. (col. 4, lines 22-27; col. 6, lines 33-61). Thus, in Kaplan, a service node is a physical device (col. 6, lines 33-49; Fig. 4) that issues control messages to the required elements to deliver the communications service. (col. 6, lines 59-61). Moreover, the communication service requirements are a specification of the required services that are delivered to the end user. (col. 4, lines 23-27). This is in contrast to Applicants' application service contract, which, in some embodiments, is an electronic service contract or agreement that represents a presentation method for an application. (see page 7, line 23-page 8, line 3 of specification). Applicants can find in Kaplan no such disclosure or suggestion.

Also, according to Kaplan, the session manager is a component of the service node, and is a communications control processor that initiates services for the end users. In particular, it is the session manager that issues control messages to the required elements to deliver the communications service. (col. 6, lines 33-61). This is in contrast to Applicants' application delivery transports which are automatically provisioned. Applicants can find in Kaplan no disclosure or suggestion of automatically provisioning application delivery transports.

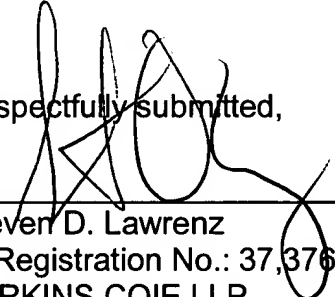
#### IV. Conclusion

In view of the foregoing, Applicants respectfully submit that claims 1-34 are allowable and ask that this application be passed to allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

Dated:

10/22/04

Respectfully submitted,

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Attachments

**AMENDMENTS TO THE DRAWINGS**

The attached sheet(s) of drawings includes changes to Figure 9 to now include a drawing element "network address translation tables 932," and to correct an inadvertent typographical error in the reference number for the drawing element "Fulfillment Services."

Attachment:     Replacement sheet  
                     Annotated sheet showing changes

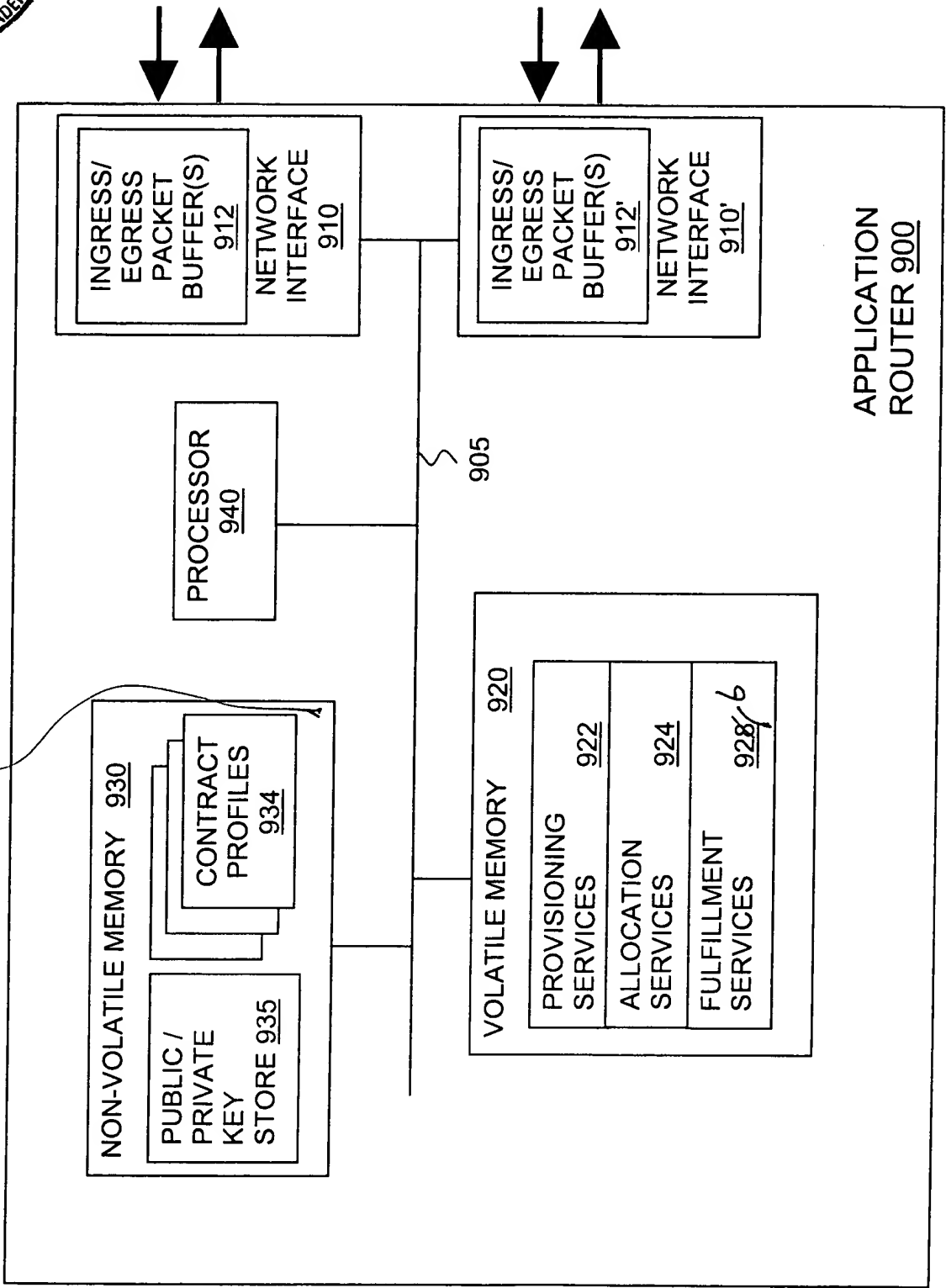


FIG. 9